

U.S.S.N. 09/652,862

2

PD-200084

**REMARKS**

The Examiner states on page 3, that, "All three references are satellite communication systems, that use a method to locate a subscriber. As each reference is from the same field of endeavor, the combination is deemed valid." Appellants respectfully submit that the *Chang* reference merely refers to the situation where a new user is present. Scanning or zooming is mentioned as a method for acquiring the user. However, no teaching or suggestion is provided for a method for the new user. It should also be noted that the conjunction "or" is used. This implies one or the other and not both is contemplated.

The Examiner also appears at odds with the Appellants' statement regarding the *Martinez* reference. The *Martinez* reference does teach sequential scanning. What is not shown in the *Martinez* reference is sequential scanning of one cell. In fact, the *Martinez* reference teaches that, "... a satellite cell is never illuminated simultaneously with its neighbor even if the neighboring satellite cell is from another super cell." *Martinez* thus teaches away from sequentially scanning the beam to each of the cell clusters until one of the cell clusters that includes the specific subscriber is identified.

With respect to the Examiner's reference to the background of the present application, Appellants admit that both sequentially scanning is known as is shown in the *Martinez* reference. As the *Wissinger* reference also illustrates, zooming is also known. What has heretofore been unknown is the combination of scanning and zooming. That is, Claim 1 specifically recites both scanning and zooming by defining a partition of cell clusters wherein one of the cell clusters includes the one of the plurality of cells that includes the specific subscriber and forming a beam that corresponds to an area of one of the cell clusters. Then, the method recites, "sequentially scanning the beam to each of the cell clusters until the one of the cell clusters that includes the specific subscriber is identified."

U.S.S.N. 09/652,862

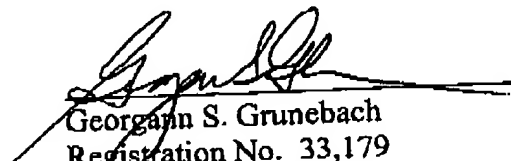
3

PD-200084

The Examiner states that, "Wissinger uses a beam, which includes one or more cells in an iterative manner to locate a subscriber." Appellants agree that zooming is performed and that the zooming of the beams is shown in Figs. 8A and 8D. Overlapping beams are provided and the user is located within one of the beams. Progressively overlapping smaller beams are then used to zoom in on the user.

To summarize, Appellants respectfully believe that the Examiner's combination is not valid for several reasons. First, all of the elements have not been shown by the Examiner. For example, forming a beam that corresponds to an area of one or more cell clusters and sequentially scanning the beam to each of the cell clusters until one of the cell clusters that includes the specific subscriber is identified is not taught or suggested in any of the references. In fact, the *Martinez* reference, as mentioned above, teaches away from sequentially scanning more than one individual cell. Appellants therefore respectfully request the Board to reverse the Examiner's positions with respect to Claims 1-22.

Respectfully submitted,

  
Georgann S. Grunebach  
Registration No. 33,179  
Attorney for Appellants

Dated: February 28, 2005

The DIRECTV Group, Inc.  
RE / R11 / A109  
P.O. Box 956  
2250 E. Imperial Highway  
El Segundo, CA 90245-0956

Telephone: (310) 964-4615